

Message Text

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ORIGIN EUR-12

INFO OCT-01 ISO-00 FEA-01 ACDA-07 AGRE-00 AID-05 CEA-01

CEQ-01 CG-00 CIAE-00 CIEP-01 COME-00 DLOS-06 DODE-00

DOT-00 EB-07 EPA-01 ERDA-05 FMC-01 TRSE-00 H-02

INR-07 INT-05 IO-13 JUSE-00 L-03 NSAE-00 NSC-05

NSF-01 OES-06 OMB-01 PA-01 PM-04 PRS-01 SP-02 SS-15

SAL-01 EA-07 NSCE-00 SSO-00 USIE-00 INRE-00 /123 R

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FM SECSTATE WASHDC

TO AMEMBASSY TOKYO IMMEDIATE

INFO AMEMBASSY OTTAWA PRIORITY

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TOKYO PASS DEP ASST SEC RIDGWAY OPENING BUSINESS 11/12/76

E.O. 11652:N/A

TAGS: SENV, PBOR, CA

SUBJECT: FISHERIES NEGOTIATIONS WITH CANADA

1. FOLLOWING IS TEXT OF AIDE-MEMOIRE RECEIVED BY DEPARTMENT FROM CANADIAN EMBASSY EVENING OF NOVEMBER 10. COMMENT BEING SENT SEPTTEL.

2. BEGIN TEXT --

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THE CANADIAN AUTHORITIES HAVE THE HONOUR TO REFER TO THE
USA PROPOSALS DEALING RESPECTIVELY WITH "ELEMENTS OF A

SHORT-TERM FISHERIES ARRANGEMENT FOR THE AREA OF OVERLAPPING JURISDICTION" AND "ELEMENTS OF A SHORT-TERM FISHERIES ARRANGEMENT FOR USA AND CANADIAN FISHERIES ZONES OUTSIDE THE AREA OF OVERLAPPING CLAIMS", AS OUTLINED IN A DOCUMENT GIVEN TO THE CANADIAN EMBASSY OCTOBER 28, 1976.

THE REACTION OF THE CANADIAN AUTHORITIES TO THESE PROPOSALS HAS ALREADY BEEN MADE KNOWN TO USA OFFICIALS AT A MEETING IN TOKYO NOVEMBER 3; IN BRIEF, THE CANADIAN AUTHORITIES DOUBT THAT THE PROPOSALS PROVIDE AN APPROPRIATE BASIS FOR NEGOTIATION. LIKE EARLIER USA PROPOSALS, THEY COULD BE PRE-JUDICIAL TO CANADA'S POSITION IN RESPECT TO MARINE BOUNDARIES WITH THE USA, BEING BASED ON THE CONCEPT OF A "DISPUTED

AREA" (NOW DESCRIBED AS AN "AREA OF OVERLAPPING CLAIMS") FOR PURPOSES OF CONSERVATION, MANAGEMENT AND ACCESS AS WELL AS ENFORCEMENT. FROM THE CANADIAN VIEWPOINT, SUCH AN APPROACH DOES NOT SEEM COMPATIBLE WITH THE TENOR OF THE DISCUSSIONS BETWEEN THE CANADIAN SECRETARY OF STATE FOR EXTERNAL AFFAIRS AND USA SECRETARY OF STATE ON OCTOBER 15.

MOREOVER, THE CANADIAN AUTHORITIES HAVE SERIOUS RESERVATIONS ABOUT THE EFFECTIVENESS OF THE USA PROPOSALS FROM THE VIEWPOINT OF PRACTICAL FISHERIES MANAGEMENT AND CONSERVATION, ESPECIALLY SINCE IT APPEARS THAT THE USA UNDER RELEVANT LEGISLATION WOULD NOT BE IN A POSITION TO GIVE A FIRM UNDERTAKING AS TO ENFORCING COMPLIANCE WITH THE PROVISIONS OF THE PROPOSED AGREEMENT BY ITS OWN NATIONALS. AN ADDITIONAL CONCERN RELATES TO THE QUESTION WHETHER CANADA AND THE USA COULD OBTAIN AGREEMENT WITHIN THE INTERNATIONAL COMMISSION FOR THE NORTHWEST ATLANTIC FISHERY (ICNAF) ON A COMPLETE CLOSURE OF THE NORTHERN PART OF GEORGES BANK TO FOREIGN FISHING.

IN VIEW OF THE ABOVE CONSIDERATIONS, THE CANADIAN AUTHORITIES WOULD CONFIRM THAT THEY CAN SEE LITTLE UTILITY IN PROCEEDING WITH FULL-SCALE NEGOTIATIONS, INCLUDING REPRESENTATION FROM INDUSTRY AND PROVINCIAL/STATE GOVERNMENTS, IN THE WEEK OF NOVEMBER 15 AS PROVISIONALLY SCHEDULED.

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INDEED, THE CANADIAN AUTHORITIES FEAR THAT FULL-SCALE NEGOTIATIONS IN THE PRESENT CIRCUMSTANCES COULD BE COUNTER-PRODUCTIVE. ACCORDINGLY, THEY HAVE SUGGESTED INSTEAD THAT FURTHER INTER-GOVERNMENTAL CONSULTATIONS BE HELD DURING THE WEEK IN QUESTION IN AN EFFORT TO BRING ABOUT A RAPPROCHEMENT IN THE RESPECTIVE APPROACHES OF THE TWO SIDES AND TO FIND A BASIS ON WHICH NEGOTIATIONS MIGHT USEFULLY PROCEED. IN THIS CONNECTION, THE CANADIAN AUTHORITIES WOULD REAFFIRM THEIR VIEW THAT AN APPROPRIATE BASIS FOR NEGOTIATION WOULD BE FOR THE TWO COUNTRIES TO

DEVELOP AGREED CONSERVATION AND MANAGEMENT MEASURES, INCLUDING ALLOCATIONS FOR CANADA, THE USA AND OTHER COUNTRIES, ON A STOCK-BY-STOCK BASIS AND WITHOUT REFERENCE TO DEFINED AREAS OR DEFINED PRINCIPLES, USING AGREEMENTS REACHED IN ICNAF FOR 1977 AS A STARTING POINT.

THIS APPROACH WOULD NOT ONLY PROVIDE FOR EFFECTIVE CONSERVATION AND MANAGEMENT BUT WOULD ALSO HELP PLACE THE PROBLEM OF ENFORCEMENT IN THE BOUNDARY AREAS IN PERSPECTIVE AND FACILITATE ITS SOLUTION.

THE CANADIAN AUTHORITIES ARE ENCOURAGED THAT THE UNITED STATES AUTHORITIES ARE NOW AGREED ON THE NEED FOR THE TWO COUNTRIES TO DIRECT THEIR EFFORTS TO WORKING OUT SHORT-

TERM OR INTERIM FISHERIES ARRANGEMENTS TO AVOID CONFLICT IN THE BOUNDARY AREAS AND ALLOW THE TIME NEEDED FOR THE NEGOTIATION OF LONG-TERM ARRANGEMENTS. THE CANADIAN AUTHORITIES REMAIN FULLY COMMITTED TO THIS OBJECTIVE AND FIRMLY BELIEVE THAT THE DIFFICULTIES IN THE WAY OF ITS ACHIEVEMENT CAN BE OVERCOME GIVEN THE NECESSARY FLEXIBILITY AND DETERMINATION ON BOTH SIDES.

-- END TEXT. KISSINGER

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Margaret P. Grafeld
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